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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PETITION ROUTING SLIP

(Find the petition from the list and check the box in the heading above the petition)

Complete if Known

Application Number	08/833,342
Filing Date	04/04/1997
First Named Inventor	Shalong Mao
Group Art Unit	3721 / 3713
Examiner Name	J. Paradiso
Attorney Docket Number	N/A

☐ PETITIONS DECIDED BY PETITIONS OFFICE

- | | |
|---|---|
| <p>301 Relating to Public Use Proceedings (37 CFR 1.292)
302 To make application special - prospective manufacture (37 CFR 1.102, MPEP 708.02)
303 To make special - infringement (37 CFR 1.102, MPEP 708.02)
304 Relating to the Filing/Issuance of Divisional Reissue (37 CFR 1.177)
305 To waive or suspend rules (37 CFR 1.183)
306 To expunge a paper from patent application or patent file (37 CFR 1.59)
307 Withdrawal of Attorney (37 CFR 1.36)
308 For access to application except re proceedings before Board (37 CFR 1.14, MPEP 103.104)
309 Relating to Small Entity (37 CFR 1.28)
310 Relating to reexamination (37 CFR 1.181-1.183)
311 For correction of inventorship for applications - no filing date (37 CFR 1.48)
312 For correction of inventorship re PCT applications (37 CFR 1.48)
313 For filing application without one or more inventors (37 CFR 1.47)
314 For filing PCT application without one or more inventors (37 CFR 1.47)
315 For extension of time without fee in cases in Application Division (37 CFR 1.136(b))
399 For matters before A/C for Patents - not specified
408 Relating to a filing date under 35 USC 111 & 37 CFR 1.53
411 Filing date for application filed by Express Mail (37 CFR 1.10)
412 Filing date for lost application
501 To revive an abandoned application - unavoidable delay (37 CFR 1.137(a))
502 To revive an abandoned application - unintentional abandonment (37 CFR 1.137(b))</p> | <p>503 To waive/suspend rules (37 CFR 1.183)
504 To invoke supervisory authority - re patent examining operations (37 CFR 1.181)
505 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)(1-4))
506 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)) or abandon application in favor of continuing application
507 To enter priority papers after issue Fee payment (37 CFR 1.55(a))
508 To defer issuance of patent (37 CFR 1.314)
515 To invoke supervisory authority - re Office of Admin. (37 CFR 1.181)
516 To waive/suspend rules re patent mailers in Office of Admin. (37 CFR 1.183)
519 To decide matters before Deputy A/C for Patents under 37 CFR 1.182
521 To review refusal to accept & record maintenance fee - application filed on or after 8/27/82 (37 CFR 1.377)
523 To issue patent in the name of the Assignee (37 CFR 1.334(c))
525 To withdraw a holding of abandonment (37 CFR 1.181)
526 To order a Commissioner-initiated Reexamination proceeding (37 CFR 1.520)
527 To convert Provisional Application
528 To reinstate abandoned Provisional Application
530 PCT petition-unavoidable
531 PCT petition-unintentional
532 To accept unavoidably delayed payment of maintenance fee (37 CFR 1.378 (b))
533 To accept unintentionally delayed payment of maintenance fee (37 CFR 1.378 (c))
534 Petitions related to reexamination proceedings
599 For matters before the Deputy A/C for Patents - not specified</p> |
|---|---|

☒ PETITIONS DECIDED BY THE GROUP DIRECTOR

- | | |
|--|--|
| <p>601 To make application special on ground of age or health (37 CFR 1.102, MPEP 708.02)
602 To make special - continuity of earlier application (37 CFR 1.102, MPEP 708.02)
603 To make special - environmental quality program (37 CFR 1.102, MPEP 708.02)
604 To make special - accelerated examination (37 CFR 1.102, MPEP 708.02)
605 To make special - Energy Program (37 CFR 1.102, MPEP 708.02)
606 To make special - Recombinant DNA (37 CFR 1.102, MPEP 708.02)
607 To make special for reasons not provided for in codes 601-606 (37 CFR 1.102, MPEP 708.02)
608 To reopen prosecution after Board decision (37 CFR 1.198)
609 For review of final restriction requirement (37 CFR 1.144)
610 Invoking Authority of Commissioner under 37 CFR 1.181 not specified in codes
611 Relating to the prematurity of final rejection (37 CFR 1.181, MPEP 706.07(c))
612 Relating to the refusal to enter an amendment (37 CFR 1.181 & 1.127, MPEP 714.19)
613 To withdraw a holding of abandonment (37 CFR 1.137, MPEP 711.03)
614 Relating to a requirement to cancel new matter from application (37 CFR 1.181, MPEP 608.04(c))
615 Relating to formal sufficiency/propriety of affidavits (37 CFR 1.131, 1.132, 1.608, MPEP 715.07)
616 To institute an interference (37 CFR 1.606)
617 Relating to refusal to enter an amendment under 37 CFR 1.312</p> | <p>618 For concurrent Ex parte and Inter parte proceedings (37 CFR 1.212)
619 For return of original oath of patent application (MPEP 604.04(a))
620 For extension of time (37 CFR 1.136(b))
621 For interview after Notice of Allowance mailed (MPEP 713.10)
622 Concerning appeal application before transfer of jurisdiction to Board (MPEP 1206)
623 For second or subsequent suspension of action (37 CFR 1.103, MPEP 709)
625 To reinstate Appeals dismissed in Group
626 From denial of reexamination request (37 CFR 515(c))
627 To enter an amendment after payment of issue fee (37 CFR 1.312(b))
628 From refusal to issue a Certificate of Correction (37 CFR 1.181, MPEP 714.80-1485)
629 For withdrawal of attorney from application pending in group (37 CFR 1.36)
630 For extension of time in a reexamination (37 CFR 1.550(c))
631 To merge multiple reexamination proceedings (37 CFR 1.555(c), MPEP 2283)
632 To effect a second conversion of inventorship (37 CFR 1.48, MPEP 201.03)
633 Superconductivity
634 To correct inventorship in a patent not in interference (37 CFR 1.324, MPEP 1481)
635 To change inventorship in an application (37 CFR 1.48)
636 To change inventorship in a patent (37 CFR 1.48)
637 To withdraw from issue before payment of an issue fee (37 CFR 1.313(a))
639 For matters before Group Director - not specified</p> |
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☐ PETITIONS DECIDED BY BOARD OF PATENT APPEALS AND INTERFERENCES

- | | |
|---|--|
| <p>701 To exercise supervisory authority re action by examiner/examiner-in-chief (37 CFR 1.644)
702 To accept belatedly filed copies of interference settlement agreements (35 USC 135(c), 37 CFR 1.666(c))
703 For withdrawal of attorney in proceeding under 37 CFR 1.201-1.288 (37 CFR 1.36)
704 For access to a settlement agreement under 35 USC 135(c) (37 CFR 1.666(b))
705 For access to an application in proceedings before the Board (37 CFR 1.14(e))
706 From a refusal to issue a Certificate of Correction (37 CFR 1.322, 1.323)
707 To correct errors in inventorship (37 CFR 1.324)
708 For extension of time to file amendment under 37 CFR 1.196(b) (37 CFR 1.136)
709 To make an application before the Board special (37 CFR 1.102)
710 For extension of time to file supplemental Reply Brief (37 CFR 1.136)</p> | <p>711 To assign particular members to hearing or to request augmented panel (35 USC 7)
712 To decide miscellaneous questions in proceedings under 37 CFR 1.601-1.668
713 To accept priority papers in applications in interference (37 CFR 1.644)
714 To reinstate an Appeal
719 For matters before Chairman of Board - not specified
801 To make an application before the Board special (37 CFR 1.102)
802 To reinstate an Appeal
803 To extend time/suspend proceedings (37 CFR 1.196, 1.197, 1.304)
804 For extension of time to file supplemental Reply Brief (37 CFR 1.136)
805 To accept late request for an Oral Hearing (37 CFR 1.136)
899 For matters before the Clerk of the Board - not specified</p> |
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☐ PETITIONS DECIDED BY SPECIAL LAWS (SECURITY AND GOVERNMENT INTEREST MATTERS)

- | | |
|---|--|
| <p>901 Under 42 USC 2182
902 Under 42 USC 2457
903 Under 35 USC 184</p> | <p>904 Under 35 USC 267
905 To consider/review security or Government interest matters - not specified</p> |
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☐ PETITIONS DECIDED BY THE SOLICITOR

- | | |
|--|--|
| <p>951 Petitions for extension of time in court matters 35 USC 142, 145, 146
952 Petitions relating to ex parte questions in cases before the Court of Appeals for the Federal Circuit</p> | <p>953 Requests filed under the Freedom of Information Act
959 Not specified</p> |
|--|--|

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Maa, Shalong

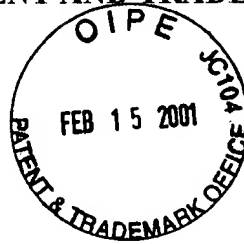
Application No.: 08/833,342

Art Unit: 3721 / 3713

Filing Date: April 4, 1997

For: Computer-Controlled Talking Figure Toy with Animated Features

Group Director (Patent Examining Group)
Assistant Commissioner for Patents
Washington, D.C. 20231



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The following items are enclosed in this communication:

1. Petition to Invoke Supervisory of the Commissioner for Proper Advancement of Prosecution under 37 C.F.R. § 1.181 (3 pages);
2. A Petition Routing Slip (1 Page);
3. EXHIBIT-A : Copies of the "Express Mail Label", the "Front Cover Page", and the Returned Postcard from USPTO for the Communication Submitted on 06/06/2000 (3 Pages);
4. EXHIBIT-B : Copies of the Examiner's "Notification of Non-Compliance with 37 C.F.R. § 1.192(c)" dated 07/26/00, including the Front-Page Form PTO-90C (2 pages);
5. EXHIBIT-C : Copies of the Front-Page Mailing Form (PTO-90C) and the Cover Page of the EXAMINER'S ANSWER Dated 12/28/2000 (2 Pages);
6. A Self-addressed Postcard with above Information.

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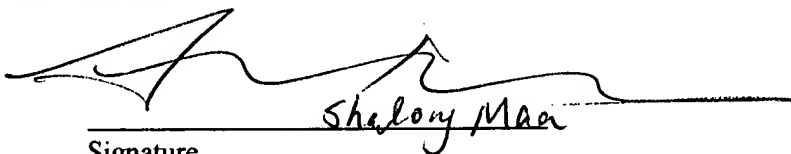
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Date: 02/11/2001
SHALONG MAA
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3. Applicant's two previous petitions were submitted on 10/27/1999 and 06/13/2000 respectively. A request for Revocation of Power of Attorney was "entered 6/11/99 as Paper No. 8", as so stated in the Office Action of 08/02/1999. Accordingly, the undersigned Appellant/Applicant is prosecuting the Application *pro se*.
4. Appellant/Applicant's original and complete APPEAL BRIEF, together with the NOTICE OF APPEAL Form and the required fees, including all required elements for the BRIEF, were submitted on 06/06/2000. (EXHIBIT A-C, E). In response thereto were Examiner's "Notification of Non-Compliance with 37 C.F.R. § 1.192(c)" dated 07/26/2000 (EXHIBIT I). The amended Brief in response thereto were submitted on 08/26/2000. The Examiners' ANSWER thereto were sent to the Appellant on 12/28/2000 (EXHIBIT D).
5. Appellant/Applicant has *twice* submitted Requests for *Certified* Copies of File Wrapper and Contents, Under 37 C.F.R. § 1.59 (c), 1.19(b)(2), on 12/17/2000 and 01/10/2001 respectively (EXHIBIT F-H). However, Appellant/Applicant has not yet received the requested Certified Copies, and the payments included therein have not been accepted by the Office.

STATEMENT OF FACTS

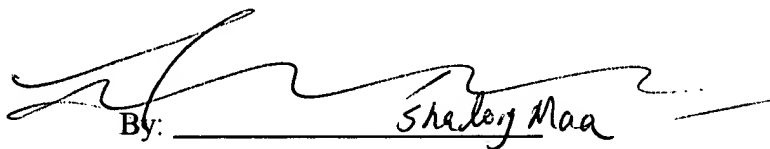
6. According to M.P.E.P. § 1208: "The examiner should furnish the appellant with a written statement in answer to the appellant's brief within 2 months after the receipt of the brief by the examiner". However, as described above, the Examiner's ANSWER was not sent to the Appellant until 12/28/2000, which was more than six (6) months after Appellant's original APPEAL BRIEF filed 06/06/2000 (EXHIBIT A-D), after Appellant/Applicant's repeated requests via written and telephone communications.
7. Examiners' "Notification of Non-Compliance with 37 C.F.R. § 1.192(c)" dated 07/26/2000 recites 37 C.F.R. § 1.192(c)(9) with respect to appending correct copy of amended Claims in the Brief as ground thereof (EXHIBIT I). Appellant respectfully submits that, such "Notification of Non-Compliance" does not comply with the respective procedures described in M.P.E.P. § 1206, which states that "The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192c will be accepted as long as it substantially complies with the requirements of items (1), (2), and (8)." Furthermore, Appellant's communication of 06/06/2000 did include a correct copy of the amended Claims (EXHIBIT A-B).
8. Appellant/Applicant has been looking forward to having the jurisdiction over the Application passed to the Board after receiving the Examiner's first Office Action of 08/02/1999, in view of certain irregularities in the Office Action. Appellant/Applicant's Response thereto was submitted on 10/27/1999, as described above. However, the case has not been presented before the Board more than

fifteen (15) months thereafter because of the Examiner's repeated delays: as described above, the Second and Final Office Action was not sent to the Appellant/Applicant until 05/15/2000 (EXHIBIT J), after Appellant/Applicant's repeated requests via written and telephone communications, which was more than six (6) months after Appellant/Applicant's Response of 10/27/1999; and, again, the Examiners' ANSWER were sent to Appellant more than six (6) months after the original BRIEF being submitted (EXHIBIT D).

ACTION REQUESTED / CONCLUSION

9. For the foregoing reasons, Appellant respectfully requests that the application file be promptly transferred to the Board, and that the Board act on the Appeal at its earliest convenience.

Respectfully submitted,

By:  Shelley Maa

Date: 01/31/2001

SMA International, Inc.

816 McDeavitt Dr., 1077

Arlington, TX 76011

(817) 795-3526

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Maa, Shalong

Application No.: 08/833,342

Art Unit: 3713

Filing Date: April 4, 1997



For: Computer-Controlled Talking Figure Toy with Animated Features

Assistant Commissioner for Patents
(Box - Patent Appeal)
Washington, D.C. 20231

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AND INTERFERENCES

The following items are enclosed in this communication:

1. Notice of Appeal
2. BRIEF in Support of Appeal Under 37 C.F.R. § 1.191, 1.192
(in triplicate, 3 x 33 pages)
3. Copies of *Previously Filed* Evidence - DECLARATION Under 37 C.F.R. § 1.132
(in triplicate - 3 x 5 pages)
4. Copies of *Previously Filed* Amendment Under 37 C.F.R. § 1.116
(in triplicate - 3 x 5 pages)
5. Fee for Notice of Appeal - \$150.
6. Fee for Appeal BRIEF - \$150.
7. A Self-addressed Postcard including above Information.

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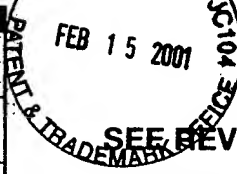
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EXHIBIT A

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State TX	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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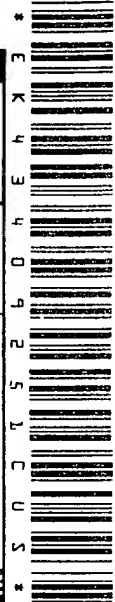


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*** THANK YOU ***